

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13221 of 1994

Date of decision: 15-10-97

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KANJIBHAI AMIBHAI VERANA

Versus

POLICE COMMISSIONER  
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Appearance:

None present for Petitioner  
MR DA BAMBHANIA for Respondent No. 1  
SERVED for Respondent No. 2  
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ORAL JUDGEMENT

The matter was called out for hearing in the first round, second round and lastly in the third round. None put appearance on behalf of the petitioner. Perused the special civil application and heard the learned counsel for the respondents.

On 25th March,1991 the petitioner was recruited as "trainee unarmed police constable". On 11-4-1991 he was sent to Police Training School for training. But he remained absent from training for about seven months. Thereafter he was not allowed to resume duty, and he approached this Court. This Court has given direction to the respondents to allow him to resume duty, and accordingly he was allowed to resume duty. The petitioner was given show cause notice as to show cause as to why he should not be discharged from service. The show cause notice was replied and for the absence of the period of seven months the petitioner submitted medical certificates. So the petitioner justified his absence on the ground of illness. The medical certificates which have been submitted by the petitioner in support of his claim for his absence from the training was not accepted by the respondents, and under the order dated 3-12-1994 he was ordered to be discharged from service. Hence this special civil application.

2. The petitioner produced on record of this special civil application copies of medical certificates which are nine in number. It is for the period 7-5-1991 to 29-11-1992. After going through these medical certificates I am satisfied that the respondents have not done any error whatsoever in not believing the same. The significant features of these certificates are that all of them have been issued by one Doctor on the same date, i.e. 30th November, 1992. Moreover, from the certificates I do not find that the petitioner was at any point of time admitted to the hospital. Ailment was not of serious nature and he never made any application to the respondents for his absence on his illness. In view of these facts, coupled with the fact that one doctor on the same day issued all these certificates, the certificates are nothing but only manufactured documents for the sake of creating defence in the case. The petitioner has remained absent from duty without any justification and reasonable cause and as such he being only a trainee, the respondents are justified and are competent to discharge him from service without holding

any enquiry whatsoever. But in the present case the petitioner has been given an opportunity of hearing in the matter, and he failed to show any cause, much less just cause for his absence. It is a clear case of willful absence of the petitioner who has been recruited for the post of unarmed constable, and as such the only order in the facts and circumstances of the case could have been his discharge from service. The petitioner who at his initial stage of appointment could manufacture an evidence for his defence, is otherwise not fit to be retained in police service.

3. In the result the special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted earlier stands vacated. No order as to costs.

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